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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Douglas G. Lowenstein, et al.

Serial No.: 09/611,548

Filed: July 7, 2000

Examiner: Pedro Kanof

Art Unit: 2164

Title: FINANCING OF TENANT IMPROVEMENTS

I certify that this correspondence, along with any documents referred to therein, is being deposited with the United States Postal Service on June 17, 2002 as First Class Mail in an envelope with sufficient postage addressed to The Commissioner for Patents, Box Non-Fee Amendment, Washington D.C. 20231.

[Signature]

COMMISSIONER FOR PATENTS

Box Non-Fee Amendment

Washington D.C. 20231

RESPONSE TO OFFICE ACTION OF JANUARY 17, 2002

Kindly amend the claims as follows.

12. (amended) The method of claim 8:

wherein a building in which the space is located is encumbered by a mortgage;

a1

and further comprising the step of, entry by the lender to the special purpose entity and a mortgagee of the mortgage into an inter-creditor agreement, each waiving any interest in the other's collateral.

28. (amended) A computer, programmed:

to solicit proposals from tenants for financing for tenant improvements to spaces leased

by the respective tenants under respective space leases, each proposal offering terms for lease of

a2

tenant improvements to the corresponding space under an improvements lease distinct from the

corresponding space lease, each improvements lease to be structured together with the

corresponding space lease to support an accounting conclusion that the space lease and

improvements lease are to be considered together as a single lease and classified as an operating

lease; and

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